

EXHIBIT A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOUGLASS MACKEY,

Defendant.

21-CR-80 (NGG)

**Declaration of Tor Ekeland in Support of Defendant's
Motion for a Bill of Particulars**

Tor Ekeland declares as follows:

1. I represent Defendant Douglass Mackey in this action. I submit this Declaration in support of his Motion for a Bill of Particulars in accordance with Local Criminal Rule 16.1.
2. On September 10, 2021, Defense Counsels Tor Ekeland and Corinne Mullen met with the United States Department of Justice ("DOJ") Assistant United States Attorneys William Gullotta, Olatokunbo Olaniyan and Erik Paulsen.
3. On January 6, 2022, Defense Counsel submitted the following list based on their understanding of the Government's position after the Parties'

conference. When asked to confirm that the following accurately describes the Government's position, the Government declined:

- a. That conspiring to create a meme affecting the time, place, and manner of an election violates 18 U.S.C. § 241.
- b. That the date range of the alleged conspiracy is September 2016 through November 2016.
- c. That conspiracy under 18 U.S.C. § 241 does not require an overt act in furtherance of the object of the conspiracy.
- d. That DOJ has no obligation to disclose the names of the unindicted co-conspirators.
- e. That a violation of 18 U.S.C. § 241 requires no specific conduct with a directed nexus to the physical world.
- f. That a violation of 18 U.S.C. § 241 requires no nexus with a state actor.

I declare under penalty of perjury that the foregoing is true and correct.

Brooklyn, New York

January 10, 2022

/s Tor Ekeland

Tor Ekeland Law, PLLC

30 Wall Street
8th Floor
New York, NY 10005
(718) 737-7264
tor@torekeland.com

Attorney for Defendant Douglass Mackey